

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LETICIA LUCERO,

Plaintiff,

vs.

CENLAR FSB,

Defendant.

NO. C13-602RSL

October 27, 2015

Seattle, Washington

9:13 a.m.

Day 3

Pages 250-258

VERBATIM **PARTIAL TRANSCRIPT** OF THE PROCEEDINGS FOR:
BENCH TRIAL

BEFORE THE HONORABLE **ROBERT S. LASNIK**

UNITED STATES DISTRICT COURT JUDGE

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(Proceedings recorded by mechanical stenography; transcript
produced with aid of computer.)

1 COURTROOM DEPUTY: All rise, Court is again in
2 session. The Honorable Robert S. Lasnik presiding.

3 THE COURT: Good morning. Thank you.
4 Please be seated.

5 COURTROOM DEPUTY: You want me to call the case?

6 THE COURT: Yes, call the case.

7 COURTROOM DEPUTY: Case C13-602L, Leticia Lucero
8 versus Cenlar.

9 Counsel, could you please make your appearances.

10 MS. DAO: Yes, Your Honor. Good morning, Your
11 Honor, Ha Dao on behalf of Ms. Lucero.

12 MR. BARRAZA: Good morning, Your Honor, Vincente
13 Omar Barraza on behalf of Ms. Lucero.

14 THE COURT: Thanks, Counsel. I understand
15 Ms. Lucero is on her way; it could be a traffic situation,
16 but you -- at this point, we may as well get started;
17 correct?

18 MS. DAO: That's correct, Your Honor.

19 THE COURT: Okay, thank you.

20 And Mr. Wozniak?

21 MR. WOZNIAK: Good morning, Your Honor. Lukasz
22 Wozniak for the Defendant, Cenlar FSB.

23 MS. PARKER: Good morning, Your Honor, Renee Parker
24 on behalf of Defendant Cenlar FSB.

25 THE COURT: Great. Okay, well, we are back in the

1 trial now and, Mr. Wozniak, you have identified Asmar
2 Johnson as your witness?

3 Oh, Ms. Parker, I'm sorry.

4 MS. PARKER: Your Honor, before we begin, I'd like
5 to make a motion before the Court.

6 THE COURT: Okay.

7 MS. PARKER: While Mr. Wozniak was out of town,
8 it's a reasonable belief that I would be checking his e-mail
9 in his absence.

10 In his absence, I received an e-mail from a person
11 very closely associated with Ms. Dao and Mr. Barraza that
12 has a longstanding business relationship with him -- with
13 them. To the extent that earlier in this case, our CEO's
14 attorney, Heidi Buck Morrison, had to get a protective order
15 from their videographer, because they are taking depositions
16 and posting them on YouTube and for creative purposes.

17 In Mr. Wozniak's absence, I received an e-mail from
18 this person associated with Plaintiff's counsel. He
19 referenced the transcript of the trial from the first two
20 days. I confirmed with the court reporter that only two
21 parties had the transcript from the trial, me and Counsel
22 for Plaintiff.

23 In the same e-mail, this person also stated that he
24 would be outside the courtroom, knowing we would be here
25 today, and that he also said that we would find out that,

1 quote, "Jesus was black from his Croatian buddies."

2 And in my religion, the only way you meet Jesus is
3 when you die. And I have a reasonable apprehension that a
4 death threat has been issued towards me.

5 Now, I brought this to Ms. Dao's attention, and she
6 said she called this person and he basically said, "Mind
7 your own business," and hung up, and they never discussed
8 the content of my concern.

9 But after her e-mail, which I want to take her for
10 her word, she -- she said she never spoke with him about the
11 content of my message; yet, he sent another barrage of
12 messages basically accusing me of racism and basically
13 saying that he never made a death threat.

14 And this person is present in the courtroom today.
15 I've lost a lot of sleep. I take death threats very
16 seriously. This person is in the courtroom today, and I can
17 only believe that he is here as a result of Plaintiff's
18 Counsel further trying to intimidate us in our trial.

19 And I would like him removed from the courtroom. I
20 know that is an unusual request, but it definitely has
21 caused me apprehension and concern to the extent I've lost
22 sleep and I'm actually, right now, in the middle of
23 pneumonia and bronchitis as a result.

24 So if I may ask the Court just to simply have this
25 person removed from the courtroom during this trial, I would

1 greatly appreciate it.

2 THE COURT: Okay, you may as well use his name,
3 because you know who he --

4 MS. PARKER: It's Christopher King. The e-mails
5 came from Christopher King.

6 THE COURT: Right. And I was actually copied on
7 something in there also. And the -- Mr. King is present in
8 the courtroom --

9 MS. PARKER: He is.

10 THE COURT: -- standing up and showing me who he
11 is. Let me ask Ms. Dao to respond to --

12 MS. DAO: Thank you, Your Honor.

13 THE COURT: -- to that.

14 MS. DAO: We had, in the history of this case,
15 disclosed to the Court that we used Mr. King for business
16 purpose. We also filed with the Court certain motions and
17 papers indicating that we would not use him again, and we
18 haven't.

19 I never had any discussion with Mr. King about any
20 contact with opposing counsel -- none whatsoever. We don't
21 have a business relationship. We don't have any
22 relationship other than Mr. King is interested in
23 foreclosure cases in general, and that we happen to try a
24 case that has foreclosure issues. That's the extent of it.
25 I give the Court my word that we did not cause, you know,

1 or -- or act in any way, and when she -- when Ms. Parker
2 expressed to me that she had concerns, I wrote her back and
3 I said, I would -- we would jointly do whatever necessary to
4 allay her concerns. And after that, I did not hear anything
5 from her.

6 Mr. King is here on his own volition. Since that
7 one phone call where he told me to "Mind my business," now,
8 I don't need to know anything about what he was doing. That
9 was it. I -- since then, I have not any contact. And I
10 believe my co-counsel had no contact with him whatsoever.

11 THE COURT: What about the transcript?

12 MS. DAO: Your Honor, the transcript -- we ordered
13 the transcript and I had posted it on the Listserv for
14 Consumer Lawyers.

15 THE COURT: Okay.

16 MS. DAO: And the purpose of our posting certain
17 transcripts or information really -- relating to our cases
18 is just basically to advise other lawyers as to the common
19 issues that we would face. And in our mind, this is a
20 public trial. Whether or not there were people actually
21 being in the courtroom at the time is irrelevant. And --
22 and I understand this -- this hyper fear of -- you know, and
23 I -- and I don't want to get that. I don't want to get into
24 the fray of what racism is all about, because, you know,
25 I'm -- we're looking at ourselves saying, "We have concerns

1 as well." But it's not having anything to do with our
2 client and her cause.

3 We don't want for this issue to bleed into the
4 case, Your Honor, because this is a case before tried --
5 that is being tried to the bench. And -- and any -- any
6 taint of any wrong-doing on our part as counsel for
7 Ms. Lucero would hurt our client unjustly.

8 And I just ask the Court to take notice of the fact
9 that we haven't done anything like that. I -- I informed
10 the Court before that I take my job seriously, and I take
11 our representation of the client very, very seriously. And
12 we didn't do anything that we thought was improper with
13 regards to contact with Mr. King or his presence here today.
14 And I can't comment on where he is coming from or what he's
15 doing.

16 MS. PARKER: Your Honor, if I may, I had believed
17 Ms. Dao as well when she made her representations to me
18 about concern for safety. Except that I sent an e-mail only
19 to her and Mr. Barraza stating that Mr. King stated he would
20 be outside the courthouse, and that his Croatian buddies
21 would make sure we met Jesus, to paraphrase.

22 After that, Mr. King wrote several messages that
23 said things to the extent of "I am a peace-leaving person,"
24 et cetera, which means that he somehow knew the contents of
25 the message I sent only to these two attorneys to my left,

1 (Indicating.) and was trying to either counteract the
2 damage, so I don't believe that they have had absolutely
3 zero contact. Mr. King has obviously obtained the
4 information from them that I came to her and said, "He made
5 a threat." Because he obviously didn't go back and reread
6 his mail -- e-mail, and sit and think, "Oh, boy, that could
7 be misconstrued."

8 THE COURT: Okay, you can sit down, Ms. Parker.

9 MS. PARKER: Thank you, Your Honor.

10 THE COURT: Thank you.

11 MS. DAO: And I would represent to the Court that I
12 called Mr. King and said, This is the representations that
13 Ms. Parker had made to me, and that I have concerns. And at
14 that point, he said, "You don't need to know" and --

15 THE COURT: Okay.

16 MS. DAO: -- you should be --

17 MR. KING: (From the audience) Your Honor, may I
18 approach? I don't want to be paraphrased. I'd like the
19 Court to hear my integrity and hear my position on all of
20 this so the Court is fully informed of exactly what is going
21 on, and what was actually said in those e-mails. Not a
22 paraphrase; what was actually said, and the reason for
23 writing that e-mail.

24 THE COURT: Well --

25 MR. KING: May I approach?

1 THE COURT: No. You can stay if you want to and be
2 polite and quiet, or you can leave if you want to. But --

3 MR. KING: No, I'm always pleasant. Your Honor,
4 I've done hundreds of trials, I was a practicing attorney.
5 I was -- the whole purpose of that e-mail was because
6 Mr. Wozniak had illegally threatened to throw me out of a
7 deposition, in which we had already agreed that I was
8 allowed to video. He changed his mind at midstream, turning
9 me from a licensee or invitee into a trespasser, and
10 threatened to throw me out while I was packing up. And so
11 that type of conduct was the impetus for the e-mail, because
12 I knew that the transcript --

13 MS. PARKER: Your Honor --

14 MR. KING: I'm not finished, Counsel.

15 THE COURT: Ms. Parker, just sit down. Just relax.

16 MR. KING: Because I had known from the transcript
17 that he had mistreated -- or allegedly mistreated a witness.
18 And I would say that this is conduct that's indicative of
19 that counsel.

20 THE COURT: Mr. King, you're disrupting my trial
21 right now. You can sit down and shut up, or you can leave.
22 Those are your two options. Which would you like to do?

23 MR. KING: I'm prepared to operate within the
24 confines of the First Amendment, Your Honor. Thank you.

25 THE COURT: All right. Ms. Lucero has arrived, and

1 believe me, you didn't miss anything.

2 MS. LUCERO: Thank you.

3 THE COURT: All right?

4 MS. LUCERO: All right.

5 THE COURT: We have -- I have control of my
6 courtroom, Ms. Parker. And if there's any disruptions, I
7 will take care of them. I also have a deputy, a United
8 States Marshal in the courtroom, who can handle things if we
9 need to.

10 So don't worry about your safety. Concentrate on
11 your case. And are you ready to present your witness?

12 MR. WOZNIAK: Yes, Your Honor.

13 THE COURT: All right. Mr. Johnson, you want to
14 come forward and we'll swear you in.

15 (End of partial transcript.)
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1 STATE OF WASHINGTON)
2 County of King) ss. C E R T I F I C A T E

3 I, Kari Davidson, a duly authorized Washington Certified
4 Court Reporter, and Notary Public in and for the State of
5 Washington, residing on Vashon Island, authorized to
6 administer oaths and affirmations pursuant to RCW 5.28.010
7 do hereby certify:

8 That the foregoing proceedings were taken before me and
9 thereafter transcribed by me or at my direction by means of
10 computer-aided transcription; that the transcript is a
11 partial, true, and complete transcript of said proceedings;

12 That I am not a relative, employee, attorney, or counsel
13 of any party to this action, or relative or employee or any
14 such attorney, counsel, and I am not financially interested
15 in the action or the outcome thereof;

16 That upon completion of signature, if required, the
17 original transcript will be securely sealed and the same
18 served upon the appropriate party.

19 IN WITNESS WHEREOF, I have hereunto set my hand this 3rd
20 day of November, 2015.

21
22 /s/ Kari Davidson
23 Certified Court Reporter No. 3061
24 in and for the State of Washington
25 Residing at Vashon, Washington.
My CCR certification expires 8/10/16